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MAUI NEWS.

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VOLUME XV

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NUMBER 24

Stars Are Shut Out

Waikapu Wins First Game
and Kahului Second Game.

The Stars were badly beaten last Sunday at Well's Park by the Waikapu aggregation. At the end of the ninth inning the Waikapus had totaled seven runs and succeeded in completely shutting out the Stars.

J. Garcia started in the box for Stars but was replaced by Bento in the fourth inning after five runs were scored by the Waikapus.

Bad throws and fumbles cost many runs to the Stars and their foolish base running helped a great deal in shutting themselves out.

The lineup of the Stars was as follows: J. Garcia, p. 3b, A. Garcia, ss, Bal, c, Bento, 3b, p, Kia, 2b, Oliveira, lf, Decker, rf, Kama, 1b, Hart, cf.

Waikapus: F. Sylva, cf, Jackson, lf, Nowell, 2b, Cummings, c, Julian Yates, rf, Viela, 3b, Cockett, 1b, Dutro, ss, Sylva, H. p.

The game by innings was as follows:

First Inning.—Waikapus first to bat, F. Sylva out fly to left garden. Jackson dies second to first. Nowell is out on a grounder to first.

J. Garcia fans out. A. Garcia flies out to left. Bal is safe on a hit and steals second. Bento flies out to center.

Second Inning.—Cummings goes out third to first. Yates fans out. Viela gets to first on hit over second. Cockett flies out to second.

Kia safe on hit to center. Oliveira flies out to right and Kia is caught out at first. Decker is safe on a hit to left and steals second. Kama dies short to first.

Third Inning.—Dutro goes out third to first. H. Sylva strikes out. F. Sylva makes nice hit to left garden and then steals second. Jackson lines a grounder to center, who lets it go by, and Sylva scores. Nowell dies on foul tip. Score 1 run.

J. Hart dies pitcher to first. J. Garcia is out on foul tip. A. Garcia dies third to first.

Fourth Inning.—Cummings is safe on first on error of first baseman. Yates flies out to left. Viela hits to left who fails to catch Cummings at second. Second throw over first and Cummings scored. Cockett flew out to second. Dutro hits to center garden and Viela scored. H. Sylva lines a grounder to center and on bad throw home Dutro scores. F. Sylva also hits to center and H. Sylva scores. Jackson flies out to short. Score 4 runs.

Bal dies short to first. Bento is out pitcher to first. Kia dies third to first.

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Highway Law Upheld

Judge Kepoikai Reversed in
Matter of Injunction.

The Supreme Court handed down a decision this morning, written by Justice Ballou, in which the degree of Judge Kepoikai, granting a permanent injunction to Frank Robello in his suit against the County of Maui, is reversed. The case is one in which Robello and others leased land from the Territory, through which a public road ran. A verbal understanding was made at the time that this road should be closed when a new road nearby was opened.

No sooner did Robello and his associates get on the land than they obstructed the road with fences. The Maui supervisors sent out a gang of men who cut down the obstructions. Robello then repaired the fences and obtained an injunction from Kepoikai restraining the County from any further interference.

The decision follows:

The plaintiff is the holder of a right of purchase lease of land described therein as "lot No. 6 on the government map of the Omaopio lots dated July 9, 1906, and is situated at Omaopio, Kula, District of Makawao, Island of Maui, containing an area of 51.5 acres and is classed as pastoral-agricultural land." The government map referred to shows a "new 50' road" running along a portion of the boundary of lot 6 and an "old road" marked in dashes extending through lot 6. There is some conflict of testimony as to how much of the old road thus described is now passable, it being claimed on behalf of the plaintiff that it has been abandoned at one spot, at least by wheeled vehicles, on account of a washout. After several months' occupation of the lot, plaintiff, claiming that he was obliged to fence under the terms of his lease, fenced in the ends of the old road, at the same time clearing the cactus along a portion of the line of the "new road," upon which no construction work has been done either by the Territory or by the county. The defendant, acting by its road supervisor, broke down the fences which obstructed the old road whereupon the plaintiff repaired them and obtained a permanent injunction against any further interference. From the decree granting this injunction defendant appealed.

R. L. Sec. 586 provides, "All public highways once established shall continue until abandoned by due process of law." The only statutory provisions for closing highways are Sec. 9 of the County

Invoked The Gods

Chinese Use Novel Method
to Bring Rain.

The drought in the Kula section continues. On the afternoon of the 28th some of the Chinese of Kamaole made a public petition to their rain god. In the open under the rays of the hot summer sun small tables were spread with various viands, offerings to propitiate the god of rain. In the center of the principal table was a small roast pig. Its head and snout were pointed upward and its body covered with small red papers containing written prayers. Around it were bottles of samshu and beer and dishes containing cookies, sweetmeats etc. On this table also was a box containing burning punks of various sizes. After a fusillade of crackers and bombs the pagan rite came to an end.

On the Saturday and Sunday previous there had been light rains at Kamaole and hence the Chinese thought with a little encouragement the Oriental Jupiter Pluvius would continue to favor them. If the drought continued a month longer most of the Kamaole people would have been obliged to leave their homes.

Act (S. L. 1905, Act 39) and R. L. Chap. 52, and no steps have been taken under either statute in the present instance. It is beyond question that the commissioner of public lands cannot by leasing or selling land with no express reservation extinguish the easement of the public in a highway, nor is it apparent that he assumed to do so in the present instance. The plaintiff took his lease with full knowledge of the existing highway, not only by reference thereto on the map but by actual knowledge of conditions on the ground; the misunderstanding, if any, being not as to existing conditions but as to what was to be done in the future. The sub-agent of public lands told the applicants for these homestead leases that until the new road was built the old road was to be left open, from which the plaintiff may have assumed that either the Territory or the county would proceed in a reasonable time to construct the new road as shown on the map, and that the easement over the old road would then be extinguished. However this may be and whatever may be the reasons for the failure to construct the proposed new road, the plaintiff was not authorized to take the law into his own hands and exclude the public from a recognized and existing highway. No injunction should have been granted which restrained the defendant from keeping open the public highway. If the destruction of the fences was in excess of what was requisite for this end he should have been left to his remedy at law.

In view of the result we have reached it is unnecessary to decide the reserved question as to the liability of the county for costs, which was based upon the assumption that the county was the losing party.

The decree appealed from is reversed.

J. M. Vivas for plaintiff; D. H. Case and W. F. Crockett for defendant.—Hawaiian Star.

Mrs. Haven of the Maunaloa Seminary departed for Honolulu Wednesday on the Claudine.

Kepoikai Under Cloud

Borrows from Estate While
Children Suffer.

For some time rumors of acts of questionable character have been in circulation relative to the Circuit Court of the second Circuit.

One of these rumors was that Judge A. N. Kepoikai had turned down the petition of Secretary of the Territory E. A. Mott-Smith who was and is the attorney in fact of the duly appointed officer to look after the persons and property of the children of T. Mori and refused to appoint County Attorney D. H. Case who offered to act without compensation.

The money was kept here and Judge Kepoikai borrowed one thousand dollars of the estate funds after the filing of the final accounts and the payment of the funds into court and the same had been paid over to E. Kruger the guardian of the children.

Judge Kepoikai was urged by Attorney Mott-Smith to hurry the settlement of the estate as the children were practically destitute. His authority as the attorney in fact for the children was never questioned. The Pacific Commercial Advertiser has the following account of the matter.

After hearing the statement of a committee from Maui, Governor Frear has ordered an investigation of charges against Circuit Judge Kepoikai and sent Deputy Attorney General Larnach to Maui to make it.

The charges are that Judge Kepoikai, in a matter involving about \$2,700 due the minor heirs of one T. Mori, denied a petition making a responsible man guardian of the heirs and administrator of the estate, appointing in his stead an illiterate laborer named Kruger; and that by various transfers of the money it came under the direct control of Judge Kepoikai's court, whereupon, in September, 1905, the Judge personally borrowed \$1000 of the \$2700, giving his note and paying, up to the present time but \$50 on account; and that, meanwhile, the minor heirs of the late T. Mori, to whom the money belongs, have been and are living upon the charity of relatives. These facts are set forth as sufficient ground for Kepoikai's impeachment.

Governor Frear did not wish to go into particulars yesterday when a reporter called upon him, saying that he should await the report of Mr. Larnach, who left on the steamer last night for Maui and would not return until next week.

THE CHARGES IN DETAIL.

Following is an abstract of the charges laid before the Governor:

In 1901, T. Mori, a Japanese merchant of Kahului, died leaving a fire claim which was later paid by the government, to the amount of \$2700. An administrator was appointed by Judge Kalua. Later Hon. Miki Saito, the Japanese Consul General, employed Atkinson, Judd and Mott-Smith to represent the children, minors, of T. Mori, and at a later period, E. A. Mott-Smith was given power of attorney to represent the duly authorized guardian of the children. The power of attorney was sworn to by the U. S. Consul at Yokohama and also by Consul General Saito, and a petition filed in the Circuit Court, over which Judge A. N. Kepoikai presided, asking that Attorney D. H. Case be appointed guardian of the

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THE YACHT LURLINE WINS THE RACE TO HILO

Kamehameha is a Close Second.—Other Yachts far Behind.—Storekeeper does up Burglar.—Ex-Governor Budd is Dead.

(SPECIAL TO THE MAUI NEWS.)

Sugar 96 deg test 4.25 Beets 10s. 8 1/4d.

HONOLULU, July 31.—The Lurline won the yacht race to Hilo. The Kamehameha was a close second while the others are far behind. The failure of the Hawaii to win the race is a great disappointment to Honolulu. The rumor that Sam Parker will buy the Hawaii is denied. The Lurline is acknowledged to be the best boat.

The new version of the Lane-Liliuokalani \$1000 touch brings Longworth into the story.

Iaukea and Taylor are being sued for \$1000 damages by Paikuei. He is the man who was ejected by Taylor from the police court some time ago.

George Peterson is being sued by the Campbell estate for the recovery of leased lands on King Street for non payment of rent.

A Chinese store keeper and a burglar mixed with a gun and a club last night. It was a fierce battle and as a result the burglar is in the hospital.

SUVA, July 31.—The U. S. auxiliary Glacier was in communication Tuesday with the Atlantic fleet when 1100 miles distant.

PARIS, July 31.—The American car reached here today.

FAIRVIEW, July 31.—Bryan is preparing his letter of acceptance.

VIDNEUX, July 31.—Six were killed and 60 wounded in a clash between strikers and the authorities. More trouble is looked for today as a protest against the killing of workmen by the troops at Vidneux. There are 50,000 people involved in the trouble.

SEATTLE, July 31.—J. S. Sifer killed his wife and daughter and another woman and then committed suicide.

SAN FRANCISCO, July 31.—John Siemsen was detected yesterday, cutting his way out of San Quentin.

SEATTLE, July 31.—Assistant cashier Parkhurst of the First National Bank has confessed to a shortage of \$38,000. He is in jail.

STOCKTON, July 31.—Former Governor James Budd is dead.

HONOLULU, July 31.—The shake up in police circles continues. Apana has been ousted and others are to follow.

HILO, July 31.—The Lurline arrived here yesterday at 2:30 P. M. The Kamehameha at 6 P. M. The Hawaii at 10:50 P. M. The Gwendolin at 11 P. M. The Lady Maud at 2 o'clock this morning while the Gladys has not yet been sighted.

HONOLULU, July 30.—Three yachts were sighted off the Hamakua coast at 7 o'clock this morning. The yachts were reported passing Hana last evening, with the Kamehameha in the lead.

The drought in Nuanu is the worse in years.

Canon MacKintosh has decided not to return to Honolulu. He has a position in England.

Three thousand dollars were left over from the fleet entertainment fund.

The baseball game yesterday between the Santa Clara and Milwaukee was won by the former; score 10 to 2.

HONOLULU, July 29.—Chas. Dole, Prosser, and Kingsbury are candidates for the Kauai judgeship, should there be a vacancy.

The shakeup in the police department may bring more resignations. Offensive partizanship will not be tolerated.

Captain Otwell will leave soon. A battalion of 120 engineers will arrive in November.

SAN FRANCISCO, July 30.—Trans-continental railroads threaten to abandon the trade with the Orient as a result of the Inter-State Commerce Commission deciding that the railroads' share of the freight must be publicly announced. Schwerin declares that it means the death of the Pacific coast shipping business.

CHICAGO, July 30.—The business interests of Japan are thoroughly alarmed over the prospects of the Western railroads being compelled to go out of the Asiatic import and export business.

PENSACOLA, July 30.—A negro was lynched here today by a mob, after the lynchers had battled with the police. The fight was a desperate one and three persons were killed.

BIRMINGHAM, July 30.—In a clash between members of the miners' union and strike breakers one man was killed.

ABERDEEN, July 30.—A fire here did damage to the extent of \$100,000. One life was lost.

CONSTANTINOPLE, July 30.—The demonstrations of satisfaction over the granting of constitutional liberty have ceased. Indignation follows the delay of the Sultan.

PARIS, July 30.—The American auto in the New York to Paris race is expected to reach here today.

American contestants in the Olympic games have arrived here and expect to take part in the field and track meet Saturday.

HONGKONG, July 29.—A typhoon has been raging for the last few days. Over 1000 lives have been lost. The office of the Pacific Mail S. S. Co. is a wreck. The steamers Persia and Mongolia were damaged. Thousands of sampans were destroyed in the harbors of Hongkong and Canton.

CONSTANTINOPLE, July 29.—The first parliament opens on November 12.

THE FIRST NATIONAL BANK OF WAILUKU

Chas. M. Cooke, President W. T. Robinson, Vice-President
C. D. Lufkin, Cashier
R. A. Wadsworth, Director D. E. Case, Director

CONDENSED STATEMENT TO COMPTROLLER
at the close of business, May 14th, 1908

RESOURCES	LIABILITIES
Loans and Discounts.....\$127,787.44	Capital Stock.....\$ 35,000.00
United States Bonds.....16,500.00	Surplus and Profits.....22,504.67
Premium on U. S. Bonds.....450.00	Circulation.....16,000.00
Other Bonds (quickly convert) 51,800.00	Deposits.....181,868.50
Cash and Due from Banks.....50,720.71	
Banking House, Furniture, etc 7,287.32	
Due from U. S. Treasury.....825.00	
\$255,370.17	\$255,370.17

TERRITORY OF HAWAII, ss

C. D. Lufkin, Cashier of the above named bank, do solemnly swear that the above statement is true to the best of my knowledge and belief.

Subscribed and sworn to before me this 24th day of May, 1908.
HUGH M. COKE, Notary Public Sec. Jud. Circuit.